

REMARKS

Claims 4, 5, and 9 have been canceled. Claims 3, 6-8, 10, and 11, and amended claims 1, 2, 12, and 13 are in this application.

A Final Office Action issued on June 22, 2006. The following remarks are in response to such Office Action.

Claims 1 and 12 are rejected under 35 U.S.C. 103(a) as being un-patentable over Aggarwal et al. (US 6,477,180) in view of Mitsutake et al. (U.S. 6,240,460).

Amended independent claim 1 recites in part the following:

"means for selecting a method from among two delivery methods for delivering the content;"

It is respectfully submitted that Aggarwal and Mitsutake as applied by the Examiner do not appear to disclose the above-identified feature of claim 1. Accordingly, it is respectfully submitted that independent claim 1 is distinguishable from the combination of Aggarwal and Mitsutake applied by the Examiner. For similar or somewhat similar reasons, it is also respectfully submitted that amended independent claim 12 is distinguishable from the combination of Aggarwal and Mitsutake applied by the Examiner.

Claims 2, 3, 6-8, 10 and 13 are rejected under 35 U.S.C. 103(a) as being un-patentable over Kusaba et al. (US 6,510,556), in view of Weber et al. (U.S. 6,330,225), Kobayashi et al. (U.S. 6,473,096) and Mitsutake et al.

Amended independent claim 2 recites in part the

following:

"means for selecting a method from among two delivery methods for delivering the selected content;"

It is respectfully submitted that Kusaba, Weber, Kobayashi and Mitsutake as applied by the Examiner do not appear to disclose the above-identified feature of claim 2. Accordingly, it is respectfully submitted that independent claim 2 is distinguishable from the combination of Kusaba, Weber, Kobayashi and Mitsutake applied by the Examiner. For similar or somewhat similar reasons, it is also respectfully submitted that amended independent claim 13 is distinguishable from the combination of Kusaba, Weber, Kobayashi and Mitsutake applied by the Examiner.

Claims 3, 6-8, 10, and 11 are dependent from amended independent claim 2. Accordingly, it is also respectfully submitted that dependent claims 3, 6-8, 10, and 11 are distinguishable from the combination of Kusaba, Weber, Kobayashi and Mitsutake applied by the Examiner for at least the reasons previously described.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

Application No.: 09/826,166

Docket No.: SONYJP 3.0-767

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

Dennis M. Smid

Registration No.: 34,930

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

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